



RICHARD J. CODEY  
ACTING GOVERNOR

STATE OF NEW JERSEY  
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.  
COMMISSIONER

**Merit System Board**

**AGENDA OF REGULAR MEETING OF  
THE MERIT SYSTEM BOARD  
SEPTEMBER 7, 2005  
PART II**

**Rolando Torres, Jr., Chairman  
Flavella Branham  
John Currie  
Margaret E.L. Howard  
Robert Long**

**SECTION A – HEARING MATTERS**

**A-12 DAVID HOFFMAN**

David Hoffman, Engineer in Charge of Maintenance, New Jersey State Prison, Department of Corrections, 20-day suspension on charges of racial and/or sexual harassment and/or retaliation, conduct unbecoming a public employee and verbal abuse of an inmate, patient, client, resident or employee.

Recommendation of the Administrative Law Judge – Uphold the 20-day suspension.

**ACTION:**

**A-13 JAMES KELLY**

James Kelly, Social Worker, Ocean County Board of Social Services, release at the end of the working test period effective December 8, 2003.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

**ACTION:**

**A-14 NOELING H. MILLER**

Noeling H. Miller, County Correction Officer, County of Burlington, County Jail, 12-day suspension on charges of incompetency, inefficiency or failure to perform duties, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 12-day suspension.

**ACTION:**

**A-15 KASSIEM ROBINSON**

Kassiem Robinson, County Correction Officer, County of Burlington, County Jail, ten-day suspension on charges of chronic or excessive absenteeism or lateness and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of jurisdiction.

**ACTION:**

**A-16 KIM SYKES**

Kim Sykes, Probation Officer, New Jersey Judiciary, Middlesex Vicinage, resignation not in good standing effective September 12, 2003, on the charge of abandonment of position.

Recommendation of the Administrative Law Judge – Modify the resignation not in good standing to a resignation in good standing.

**ACTION:**

**A-17 JALAL GHAVAMI**

Jalal Ghavami, Auditor, City of Newark, Department of Health and Human Services, 1) seven-day on charges of insubordination and failure to perform duty, 2) eight-day suspension on the charge of conduct unbecoming a public employee, and 3) a removal effective September 24, 2003, on charges of, *inter alia*, incompetency, inefficiency or failure to perform, insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the seven-day and eight-day suspensions and the removal.

**ACTION:**

**A-18 FREDERICK PARISI**

Frederick Parisi, Police Officer, City of Passaic, Police Department, removal effective April 9, 1997, on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of prosecution.

**ACTION:**

**A-19 JOSE R. RIOS**

Jose R. Rios, Senior Maintenance Repairer, Paterson Housing Authority, removal effective November 29, 2001, on charges of chronic absenteeism and inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-20 EDUARDO TAPARI**

Eduardo Tapari, Food Service Worker, County of Union, Runnells Hospital, removal effective March 29, 2004, on charges of conduct unbecoming a public employee and chronic and excessive absenteeism or lateness.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of prosecution.

**ACTION:**

**A-21 TONY WILLIAMS**

Tony Williams, Building Maintenance Worker, Newark Housing Authority, removal effective July 25, 2003, on charges of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-22 SETTLEMENTS**

In the Matter of Donna Hughes  
Judiciary Mercer Vicinage  
Suspension and Resignation not in good standing

In the Matter of Andrew Lancelotti  
City of Jersey City  
Police Department  
Removal

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE  
ABOVE CASES – SETTLEMENT**

**ACTION:**

**SECTION B – MISCELLANEOUS MATTERS**

**B-90 TRAVIS RAGLAND**

Travis Ragland appeals his rejection as a Police Officer by Jersey City and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of medical unfitness to perform the duties of the position. This matter was held over from the Merit System Board meeting of August 10, 2005.

**ACTION:**

**B-91 SEI BOAYUE**

Sei Boayue, a Senior Correction Officer at the Central Reception and Assignment Facility, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-92 KATHLEEN L. STATON**

Kathleen L. Staton, a Senior Correction Officer with the Department of Corrections, represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-93 LAURA C. BONILLA**

Laura C. Bonilla appeals the decision of Human Resource Information Services which upheld the removal of her name from the Sheriff's Officer (S9999D), Hudson County, eligible list on the basis that she did not complete preemployment processing.

**ACTION:**

**B-94 DAVID BON SANTO**

David Bonsanto appeals the determination of the Division of Human Resource Information Services which found that the appointing authority presented sufficient basis to remove his name from the eligible list for County Correction Officer (S9999D), Passaic County on the basis of an unsatisfactory criminal background.

**ACTION:**

**B-95 MECHANIC (M0013D), MARLBORO TOWNSHIP**

Marlboro Township, represented by Parthenopy A. Bardis, Esq., requests permission not to make an appointment from the certification for Mechanic (M0013D), Marlboro Township.

**ACTION:**

**B-96 NICOLAS LAMBOY**

Nicolas Lamboy, a Senior Correction Officer at the Albert C. Wagner Youth Correctional Facility, Department of Corrections (DOC), appeals the determination of the Acting Director, Equal Employment Division (EED), with the DOC that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

**ACTION:**

**B-97 STANLEY MOLNAR**

Stanley Molnar, a former Sergeant First Class with the Division of State Police, Department of Law and Public Safety, appeals the determination of the Assistant Attorney General, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace.

**ACTION:**

**B-98 SHEILA BRUNO**

Sheila Bruno, a Senior Parole Officer with the State Parole Board, appeals the decision of the Reasonable Accommodation Coordinator, which provided her options in response to her request for reasonable accommodation.

**ACTION:**

**B-99 EDGAR DIAZ**

Edgar Diaz, a former Custodial Worker with the Newark School District, represented by John A. Boppert, Esq., requests the Merit System Board reinstate the appeal of his removal on charges effective March 20, 2005, which was dismissed on the basis of the appellant's failure to appear at his January 7, 2005 hearing.

**ACTION:**

**B-100 THOMAS PASSERELLA**

Thomas Passerella, a former Sheriff's Officer with the Mercer County Sheriff's Office, represented by Sidney H. Lehmann, Esq., and Kevin Larkin, the Mercer County Sheriff petition the Merit System Board to acknowledge the settlement agreement reached by the parties.

**ACTION:**

**B-101 KAREN JENKINS**

Karen Jenkins, a Senior Correction Officer at South Woods State Prison, Department of Corrections, represented by William G. Blaney, Esq., petitions the Merit System Board for a stay of its decision in *In the Matter of Karen Jenkins*, (MSB, decided June 22, 2005), which granted the Department of Corrections' request to amend its witness list and present the testimony of an alternative expert witness, pending a determination on her Motion for Leave to Appeal to the Appellate Division.

**ACTION:**

**B-102 HENRY HILL**

Henry Hill, represented by Allan C. Roth, Esq., requests reconsideration of the final administrative determination in *In the Matter of Gary Bertsch, Police Lieutenant (PM2599F), Ringwood* (MSB, decided February 9, 2005).

**ACTION:**

**B-103 JOSEPH HOMEIER**

Joseph Homeier requests reconsideration of the decision rendered on May 18, 2005, by the Merit System Board which found him to be psychologically unfit for a position of Correction Officer Recruit, Juvenile Justice (S9999D), Juvenile Justice Commission.

**ACTION:**



**B-104 JOSEPH HOMEIER**

Joseph Homeier requests reconsideration of the decision rendered on May 18, 2005 by the Merit System Board which found him to be psychologically unfit for a position as a Correction Officer Recruit, (S9999D), Department of Corrections.

**ACTION:**

**B-105 JAMES FLAGG**

The appeal of James Flagg, a Truck Driver with the City of Newark, of his removal effective September 20, 1996, on charges, was heard by Administrative Law Judge Jeffrey A. Gerson (ALJ), who rendered his initial decision on January 11, 2005. At its meeting on July 27, 2005, the Merit System Board adopted the ALJ's recommendation to modify the removal to a six-month suspension. However, the Board modified the award of back pay from January 1, 2001 through May 6, 2005. The proposed final decision is now submitted for the Board's review.

**ACTION:**

**B-106 FRANK DANNER, ET AL.**

Frank Danner, Valerie Frankie and Sharon Walinski petition the Merit System Board for reconsideration of the decision rendered on June 20, 2005 which found that they did not meet the experience requirements for the promotional examination for Assistant Field Services Supervisor, Family Development (PS1829K0, Division of Family Development.

**ACTION:**

**B-107 SHARON DIAZ, ET AL.**

Sharon Diaz, Bertha McCoy, Sandra Nicholas, and Monique Spencer appeal the determinations of the Division of Selection Services that per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Examiner, Unemployment Tax (PS4129N), Department of Labor and Workforce Development. Bhanu Patel appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the Examiner, Unemployment Tax (PS4129N), Department of Labor and Workforce Development promotional examination.

**ACTION:**

**B-108 MARY DIMATTIA**

Mary DiMattia appeals the determination of the Division of Selection Services that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Program Development Specialist 2 (PS3889D), Department of Community Affairs.

**ACTION:**

**B-109 ROBERT MAIKIS**

Robert Maikis appeals the determination of the Division of Selection Services that he did not meet the educational requirement for the open competitive examination for Fiscal Officer (C6207F), Sussex County.

**ACTION:**

**B-110 LAWRENCE MUKA**

June Levy, Assistant Director, Division of Consumer Affairs, Office of the Attorney General, on behalf of Laurence Muka, appeals the determination of the Division of Selection Services which found that he did not meet the education and experience requirements for the promotional examination for Network Administrator 2 (PS2766P), Division of Consumer Affairs.

**ACTION:**

**B-111 LESLIE TAYLOR**

Leslie Taylor appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Office Supervisor (PS4431K0, Division of Youth and Family Services.

**ACTION:**

**B-112 RICHARD VANDERHOEF**

Richard Vanderhoef appeals the determination of the Division of Selection Services that per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Examiner, Unemployment Tax (PS4129N), Department of Labor and Workforce Development.

**ACTION:**

**B-113 RANDY BOOKER**

Randy Booker appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3653F), New Brunswick City.

**ACTION:**

**B-114 ZACHARY MUSE**

Zachary Muse appeals his score for the oral portion of the examination for Police Captain (PM3544F), East Orange.

**ACTION:**

**B-115 MICHAEL MICELI, ET AL.**

Michael Miceli (PM3539F), Bloomfield; James McKenna and Tyrone Torner (PM3545F), Elizabeth; Edmund Shanoskie (PM3546F), Ewing Township; Mark Competello, Nicholas Manente and John Rutkowski (PM3549F), Hoboken; Jaime Oliveira (PM3550F), Irvington; Kevin Craig (PM3551F), Jefferson Township; Scott Macfie, Thomas Osborne and Gregory Reed (PM3552F), Kearny; David Parota (PM3554F), Lacey Township; Ronald Van Kluyve (PM3562F), Paterson; Mark Christensen (PM3564F), Roselle; Michael Corcoran and Matthew Feula (PM3570F), West Orange; and Michael Gilmartin (PM3572F), Fort Lee; appeal the written examination for Police Captain (various jurisdictions).

**ACTION:**